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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,516	11/24/2003	Rana Dutta	13668-959703	5328
23838	7590	10/17/2007		
KENYON & KENYON LLP 1500 K STREET N.W. SUITE 700 WASHINGTON, DC 20005			EXAMINER ZARE, SCOTT A	
			ART UNIT 4132	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/721,516

Applicant(s)

DUTTA ET AL.

Examiner

Scott A. Zare

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 23-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 24-26 is/are rejected.
- 7) ☒ Claim(s) 1, 5 and 23 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>See Continuation Sheet</u> | 6) <input type="checkbox"/> Other: ____ |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :11/24/2003, 02/23/2004, and 06/25/2004.

DETAILED ACTION

Claim Objections

Claim 1 is objected to because of the following informalities: in line 2, the limitation "a financial sever" is later referred in the claim as "the server."

However, in all dependant claims, "a financial server" is referred to as "the financial server." The Examiner requests that Applicant use one consistent term to refer to the financial server. Appropriate correction is required.

Claim 5 is objected to because of the following informalities: in line 4, "if" should be replaced with –is–. Appropriate correction is required.

Claim 23 is objected to because it is a dependant claim directed toward a system which is not present in any precedent claim. It appears this claim was intended to be cancelled as required by the restriction.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-14, 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fetik (WO 99/07121) in view of Slater (WO 99/66436).

In regard to claim 1, Fedic shows the method for conducting electronic commerce for customers subscribing to a service, comprising:

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- establishing a merchant account for each merchant website participating in the service (see Fetik, pg. 2, lines 26-27);
- storing account information of the customer account and that of the merchant account (see Fetik, pg. 2, lines 31-35) within a financial server (see Fetik, pg. 3, line 1-22, comprising a “commerce server”),
- wherein sensitive financial information required for funding the respective accounts is also stored in the server (see Fetik, pg. 2, lines 31-35).

Fetic does not show:

- establishing a customer account for each customer subscribing the service;

Slater shows:

- establishing a customer account for each customer subscribing the service (see Slater, pg. 4, lines 17-20);

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Fedic to include establishing a customer account for each customer subscribing the service because that would allow the client to have their payment methods “pre-registered within the authorization manager.” (See Slater, pg. 4, lines 17-20)

In regard to claim 2, Fetik further shows the method of claim 1, wherein after a customer makes a purchase from a merchant using the service, the merchant provides to the financial server information concerning the purchase

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via a first communication connection. (See Fetik, pg. 9, disclosing "the payment generation form **230** sends the data to the transaction engine **210**"; see also Fetick, pg. 4, liens 19-30, discussing various communication techniques)

In regard to claim 3, Fetik further shows the method of claim 2, wherein the information include

- a purchase amount (see Fetik, pg. 9, line 5),
- a second identification for identifying the merchant account (see Fetik, pg. 3, lines 4-9).

Fetik does not show:

- a first identification for identifying the customer account

Slater shows:

- a first identification for identifying the customer account (see Slater, pg. 9, lines 6-14, disclosing that "the identities of both parties are verified)

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Fetik to include a first identification for identifying the customer account because some identification must be provided "to enable payment of goods." (See Slater, pg. 9, line 4)

In regard to claim 4, Fetik does not show the method of claim 3, wherein to complete the purchase, the customer provides to the financial server an affirmation of the purchase via a second communication connection

Slater shows the method of claim 3, wherein to complete the purchase, the customer provides to the financial server an affirmation of the purchase via a second communication connection. (See Slater, pg. 39, lines 18-22, disclosing "confirm transactions to clients")

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Fetik to include the step of having a customer provide to the financial server an affirmation of the purchase via a second communication connection to provide an additional layer of security. (See Slater, pg. 39, lines 18-22)

In regard to claim 5, Fetik does not shows the method of claim 4, wherein in response to said affirmation, the financial server causes a transfer of a value between the customer account and the merchant account, where the value (is) a function of the purchase amount.

Slater shows the method of claim 4, wherein in response to said affirmation, the financial server causes a transfer of a value between the customer account and the merchant account, where the value (is) a function of the purchase amount. (See Slater, pg. 7, lines 14-18, disclosing "transmit the electronic transaction to a bank 30 or other payment systems 32 for further authorization, settlement, and processing")

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Fetik to include the step of having a customer provide to the financial server an affirmation of the purchase via a second communication

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connection to provide an additional layer of security. (See Slater, pg. 39, lines 18-22)

In regard to claim 6, Fetik shows the method of claim 5, wherein when said merchant is notified of said transfer, said merchant sends at least one item purchased to a customer. (See Fetik, pg. 3, lines 20-22)

In regard to claim 7, Fetik shows the method of claim 6, wherein said at least one item includes goods. (See Fetik, pg. 2, lines 19-25)

In regard to claim 8, Fetik shows the method of claim 6 wherein said at least one item purchased include an entry permission. (See Fetik, pg. 5, lines 17-18, disclosing a "plane ticket")

In regard to claim 9, Fetik shows the method of claim 8, wherein said entry permission is to an entertainment event. (See Fetik, pg. 5, line 18, disclosing "allow the customer to play an online game")

In regard to claim 10, Fetik shows the method of claim 8, wherein said at least one item includes an indicium evidencing payment. (See Fig. 6, disclosing a receipt or confirmation number)

In regard to claim 11, Fetik shows the method of claim 10, wherein said indium includes at least one of human readable text or machine readable code. (See Fig. 6, disclosing a receipt or confirmation number)

In regard to claim 12, Fetik does not shows the method of claim 11, wherein said machine readable code includes a digital signature.

Slater shows the method of claim 11, wherein said machine readable code includes a digital signature. (See Slater, pg. 19, lines 2-3)

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Fetik to include a digital signature as a "form of identification and verification." (See Slater, pg. 19, lines 2-3)

In regard to claim 13, Fetik shows the method of claim 11, wherein said machine readable code is encrypted. (See Fedik, pg. 8, disclosing "industry standard encryption techniques")

In regard to claim 14, Fetik shows the method of claim 8, wherein said at least one item includes a printed receipt serving as proof of purchase. (See Fig. 6, disclosing a receipt or confirmation number)

In regard to claim 24, Fetik shows a method for transferring information from one user of a system to another, said information including at least one of sensitive financial information, funds, or other data, said method comprising:

- a first user encoding said information using a secure apparatus, including a first postal security device and sending said information to a second user (see Fedik, pg. 8, lines 9-20, disclosing "industry standard encryption techniques");
- said second user receiving and decoding said information using a second secure apparatus including a second postal security device. (see Fedik, pg. 8, lines 9-20, disclosing "industry standard encryption techniques").

In regard to claim 25, Fetik does not show the method of claim 24, further comprising using a non-repudiation technique to conduct said method.

Slater shows the method of claim 24, further comprising using a non-repudiation technique to conduct said method. (See Slater, pg. 19, lines 2-3)

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Fetik to include a digital signature as a "form of identification and verification." (See Slater, pg. 19, lines 2-3)

In regard to claim 26, Fetik does not show method of claim 24, wherein said nonrepudiation technique include affixing a digital signature or a digital certificate to said information.

Slater further shows where said nonrepudiation technique include affixing a digital signature or a digital certificate to said information. (See Slater, pg. 19, lines 2-3)

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It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Fetik to include a digital signature as a "form of identification and verification." (See Slater, pg. 19, lines 2-3)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott A. Zare whose telephone number is (571) 270-3266. The examiner can normally be reached on Monday - Friday, 8:00 a.m. - 5:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Khoi Tran can be reached on (571) 272-6919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Scott A. Zare

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October 15, 2007



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